

00- R -1737

Entered 04-26-00 - tew  
CL 00L0263 - ALEXIS HOLMES

CLAIM OF: **IRVING PORETZ**  
through his insurance carrier  
Southwest Subrogation Services, Inc.  
P.O. Box 181630  
Dallas, Texas 75218

For damages alleged to have been sustained as a result of  
vehicular damage due to an open road cut on December 13, 1999  
on Barge Road.

**THIS ADVERSED REPORT IS APPROVED**

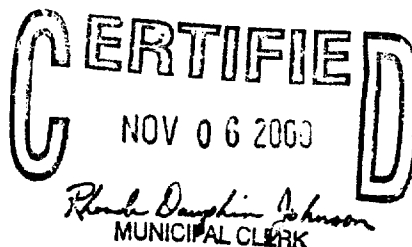
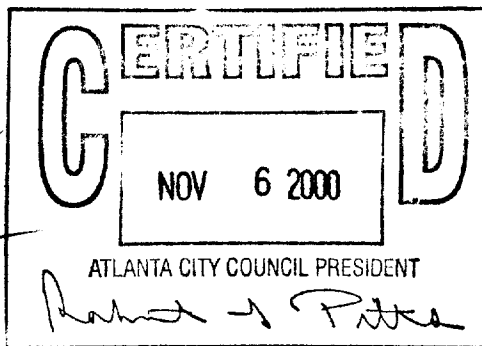
BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**CONSENT AGENDA**

**ADVERSE REPORT**

ADVERSED BY  
CITY COUNCIL NOV 06 2000

COM. Public Safety  
DATE 10/31/00  
V-Clara Hruslar  
Don  
Wright  
James  
Henry





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 15, 2000

Southwest Subrogation Services, Inc.  
Insurance Carrier  
Chris Ford  
P.O. Box 181630  
Dallas, Texas 75218

00-R-1737

RE: Irving Poretz

Dear Mr. Ford:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0263

Date: 10/19/00

Claimant /Victim **IRVING PORETZ**

BY: (Ins. Co.) Southwest Subrogation Services, Inc.

Address: P.O. Box 181630 Dallas, Texas 75218

Subrogation: X Claim for Property damage \$ 534.86 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 4/13/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/13/99 Place: Barge Road near Campbellton Road

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleged that he sustained damage to his vehicle when he hit a 3 foot. Section of the road that had been cut away and removed on Barge Road near Campbellton Road. An investigation determined that United Water Services Atlanta performed work at the incident location. The original claim was sent to United Water Services Atlanta for resolution, and claimant was paid on September 15, 2000 by check in the amount of \$534.86.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

**Respectfully submitted,**

  
**INVESTIGATOR - ALEXIS HOLMES**

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10-20-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



**SUBROGATION  
SERVICES, INC.**

April 6, 2000

ENTERED - 04/26/00 - tew  
00L0263 - DOBBS JORDAN

City of Atlanta  
Attn: Law Dept. Municipal Clerk  
55 Trinity Avenue S.W.  
Atlanta, GA 30335-0332

Reference:                      Date of Loss: 12/13/1999

Dear Sirs:

I am writing on behalf of our client, State Farm and their insured, Irving Poretz. This letter is in regards to damages that occurred on 12/13/1999 on Barge Road in Atlanta. Mr. Poretz stated on the night of 12/14/1999 it was raining and very dark when he hit a 3 ft. section of the road that had been cut away and removed. He said there was a cone to the right of the hole. He said he did not see the cone until it was too late. Here is a copy of the repair estimate for the damages that occurred on the above date.

Your quick response will be greatly appreciated.

Sincerely,

Chris Ford

/pk

*Jordan*  
*04/20/00*  
*[Signature]*

**00-R -1737**

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773